

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 28, 2005**

DIVISION ONE

B174566      Sweedyk      (Not for Publication)  
v.  
Acosta

The order is affirmed.

Spencer, P.J.

I concur:        Mallano, J.

I concur in the judgment only: Vogel (Miriam A.), J.

B175734      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Rocio T.

The judgment is affirmed.

Spencer, P.J.

We concur:   Mallano, J.

Vogel (Miriam A.), J.

B174994      People                                  (Not for Publication)  
v.  
Henry A. David

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.

Suzukawa, J. (Assigned)

DIVISION ONE (Continued)

B174327      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Lucia R., et al.

The appeal is dismissed with prejudice. The remittitur shall issue forthwith.

Spencer, P.J.

We concur: Mallano, J.  
Suzukawa, J. (Assigned)

B173690      People      (Not for Publication)  
v.  
Carlos T. Ortega

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.  
Vogel (Miriam A.), J.

DIVISION TWO

B172509      Tripodes      (Not for Publication)  
v.  
Roberts, et al.

The orders under review are affirmed.

Boren, P.J.

We concur: Nott, J.  
Ashmann-Gerst, J.

## DIVISION TWO (Continued)

B169542      Graham                                  (Not for Publication)  
v.  
Graham, Jr., et al.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.  
Ashmann-Gerst, J.

B174879      Clay      (Not for Publication)  
v.  
Telecare Corporation

The judgment is reversed. Respondent Telecare Corporation to bear all costs on appeal.

Boren, P.J.

We concur: Nott, J.  
Ashmann-Gerst, J.

B173510      Veimeris      (Not for Publication)  
v.  
Veimeris

The matter is remanded for the trial court to adjust the trust distribution by taking into consideration the \$10,071 sum advanced from the joint account held by appellant, Irene and Romualdas and used for the benefit of the trust asset. In all other respects, the order under review is affirmed. The parties to bear their own costs on appeal.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

January 28, 2005 (Continued)

## DIVISION TWO (Continued)

B174162 People (Not for Publication)  
v.  
Salazar

The order under review is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B173616 People (Not for Publication)  
v.  
Carney

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Ashmann-Gerst, J.

B171038      Janis  
v.  
Gary D. Hamilton, Inc.

Filed order denying petition for rehearing.

DIVISION THREE

B175442      Overland, et al.                      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(The County of Los Angeles, et al., r.p.i.)

The order to show cause is discharged. The petition for writ of mandate is denied. No costs are awarded in this proceeding. (Cal Rules of Court, rule 56)

Klein, P.J.

We concur:    Croskey, J.  
                     Aldrich, J.

B175832      Los Angeles County DCFS                      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(Sencere P.,, r.p.i.)

The order to show cause is discharged. The petition for writ of mandate is denied.

Klein, P.J.

We concur:    Croskey, J.  
                     Kitching, J.

DIVISION FOUR

B172194      Marcia Israel-Curley, as Trustee

v.

California Fair Plan

Filed order certifying opinion for publication.

DIVISION FIVE

B174865 People (Not for Publication)  
v.  
Jerome Brown

The judgment is affirmed.

Turner, P.J.

I concur: Armstrong, J.  
I concur: Mosk, J., (opinion)

B168877      Traci & Marx Co.      (Certified for Publication)  
v.  
Legal Options, Inc. et al.

The judgment is reversed. Defendants shall bear costs of appeal.

Armstrong, J.

I concur: Turner, P.J.  
I concur: Mosk, J., (opinion)

## DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B170330 People v. Acosta  
B173332 People v. Ramirez  
B174474 People v. Brown  
B175422 In re Mercedes G. DCFS v. Samuel G.  
B171636 People v. Haytham & Samer Ghanem  
B172134 People v. Terrazas  
B172341 People v. Randolph

DIVISION EIGHT (Continued)

Each of the following (continued):

B173597 People v. Perez

B174357 People v. Ihenacho

Argument waived, cause submitted.

Each of the following:

B167835 Williams v. Zuckerman et al.

B170613 KPMG et al. v. The Board of Accountancy etc.

B171090 Tire Distributors, Inc. v. Cobrae

B173233 T Properties, LLC v. Small Hill, LLC

Oral argument continued to February calendar.

B170909     People  
                 v.  
                 Rufus

Matter ordered off calendar.

B172402     Blosser  
                 v.  
                 Sheibani

Merits:

Argued by Kenneth Zuetel, Jr. for appellant and by Alan Schuchman for respondent. Cause submitted.

B176015     People  
                 v.  
                 De La Pena

Merits:

Argued by Lynette Moore for appellant and by Steven Matthews, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B173698     People  
              v.  
              Lawson,

Matter ordered off calendar.

Boland, J. leaves the bench.

B171895     Lund Law Corporation,  
              v.  
              Klein,

Merits:

Argued by Keith Lovendosky for appellant and by Theodore V. Kreps for respondent. Cause submitted.

Boland, J. returns to the bench.

B173561     Kupper  
              v.  
              Creative Care, Inc., et al.

Merits:

Argued by Joel F. Citron for appellants and by Thomas E. Lombardi for respondent. Cause submitted.

B170044     Petco Animal Supplies, Inc.  
              v.  
              Farmers and Merchants Bank,

Merits:

Argued by John Gloger for appellant and by Mitchell B. Stein for respondent. Cause submitted.



DIVISION EIGHT (Continued)

B170332     Cohen  
              v.  
              Cohen

Merits:  
Argued by Thomas Dunlap for appellant and by Honey K. Amado for respondent. Cause submitted.

B172476     People  
              v.  
              McKing

Merits:  
Argued by Wilson A. Schooley for appellant and by Steven E. Mercer, Deputy Attorney General for respondent. Cause submitted.

B174534     People  
              v.  
              Acuna

Merits:  
Argued by Jonathan P. Milberg for appellant and by Theresa Patterson, Deputy Attorney General for respondent. Cause submitted.

Court recessed at 11:06 a.m.

Court reconvened at 11:33 a.m.

Present: Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B168144     Yeboah  
              v.  
              Progeny Ventures, Inc.

Merits:  
Argued by Robert M. Ross for appellant and by Kwasi A. Asiedu for respondent. Cause submitted.

DIVISION EIGHT (Continued)

Court adjourned at 12:15 p.m.

B172296      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Dana F. and Edward C.,  
In re Roberto C., a Person Coming Under the Juvenile Court Law.

The orders appealed from are affirmed.

Boland, Acting P.J.

We concur:    Boland, Acting P.J.  
Flier, J.

B159223      City Of Santa Monica      (Certified for Publication)  
v.  
Maria Stewart,  
Douglas Heller, et al.

The order dismissing the Santa Monica action is affirmed. In the Pasadena action, the orders denying the anti-SLAPP motion, and granting the motion for summary judgment are reversed. The order denying Monsour and FTCR's, motion for attorneys' fees under Code of Civil Procedure section 1021.5 is also reversed, and matter remanded for reconsideration under the principles outlined above. FTCR is to recover its attorneys' fees and costs on appeal.

Boland, J.

We concur:    Cooper, P.J.  
Flier, J.

## DIVISION EIGHT (Continued)

B168483 People (Not for Publication)  
v.  
Ramirez

The judgment is modified by striking the 10-year enhancement imposed on count 1 under Penal Code section 186.22. As so modified, the judgment is affirmed. The superior court shall prepare and transmit to the Department of Corrections an amended abstract of judgment, reflecting the foregoing modification of judgment and sentence.

Cooper, P.J.

We concur: Boland, J.  
Flier, J.